

City of Canandaigua Police Department

Internal Investigation Report

I.A. 002-2010

Accused: Police Officer Gerald Brownell

Assignment: Patrol Division

Prepared by Lt. Scott P. Ferguson

LT. 

Jonathan P. Welch

Chief of Police

Internal Investigation Complaint 002-2010

Accused Member: Police Officer Gerald Brownell
Badge # 810

Complainant: Chief Jonathan Welch

Summary of Complaint Investigated:

Improper investigation and reporting of an incident handled on 07/10/10, CR#1005875

The Canandaigua Police Department received a complaint of a larceny of food from the kitchen area at the Inn on the Lake; 700 South Main St. Officer Brownell was dispatched and conducted a preliminary investigation to the incident. Officer Brownell is alleged to have multiple deficiencies in regards to his initial investigation and documentation in his investigative report.

Investigation results:

July 6th, 2010

I received a memorandum from Chief Welch to initiate an Internal Investigation regarding the conduct of Officer Gerald Brownell while he was assigned to a complaint on July 1st, 2010, CR#1005875.

When speaking to Chief Welch, he pointed out that the manager of the Inn on the Lake had called him personally after the initial report was taken to offer further information. The next day, (Brownell's day off), P.O. Lawrence was directed to follow up on the investigation.

Note: P.O. Lawrence during this time is temporarily assigned to the Investigative Division

After speaking to Chief Welch and reviewing P.O. Brownell's initial report, I observed the following points of interest with P.O. Brownell's preliminary investigation:

- The report status is listed as closed when there is clearly more investigatory steps to take
- The offense is listed as a petit larceny rather than a burglary and grand larceny, no detective called to respond to scene
- Narrative states there are witnesses to suspects identity though they are never named
- Damage was done to a cooler by forcible entry but yet never noted in report, no tech work was done
- Video of event was not obtained by P.O. Brownell due to (stated in report) "Problem with recording system" yet P.O. Lawrence was able to obtain it the next day
- Area where crime was committed is sizable yet descriptors of specific information is not present (which coolers entered, suspect ingress & egress etc.)

July 7th, 2010

Information from 911 Center relating to complaint and 'A' tour shift activity obtained

July 8th, 2010

I met with P.O. Lawrence to discuss the investigation. He states that Sgt. Kadien on the 2nd of July directed him to meet manager [REDACTED] to follow up with the investigation. There, [REDACTED] was able to provide P.O. Lawrence with a copy of the surveillance video and showed him a repair to damage that was done to a cooler when the suspect forced entry. P.O. Lawrence called an evidence technician and had the scene documented. He learned from [REDACTED] that the value of stolen items to be approx. \$1000.00. Lawrence also re-interviewed the original complainant as well as interviewed another employee. P.O. Lawrence stated that the time he spent at the Inn on the Lake was cordial no negative impression of the police departments handling of the investigation.

July 13th, 2010

I met with [REDACTED] who is the original complainant and was interviewed by P.O. Brownell. The summations of conversation relating to pertinent points of this investigation are as follows:

- The area of theft was not viewed by P.O. Brownell. He watched the surveillance video only and did not ask to view the kitchen or "cooler area" where the theft took place
- In regards to obtaining a copy of the video, [REDACTED] stated that there was no problem with the video system, only that the staff on hand when P.O. Brownell responded was not familiar with the system and was not able to "burn" a disk
- The damage to the cooler was explained to P.O. Brownell as a part being loosened and that their maintenance was able to re-secure the loose part. Brownell did not observe this as he never examined the scene

- Access to the scene by the suspect was easily identifiable by the complainant from the video (unlocked south kitchen door)
- Exit from the scene by suspect is unknown, not believed to be through south kitchen door
- Employees that had contact with the suspect could have been readily given to P.O. Brownell though he never asked for them
- Suspect characteristics - I asked the complainant what race the suspect looked on the video, He believed Hispanic but was not sure (referenced in report narrative as "appeared to be a black male")
- Value of merchandise stolen - [REDACTED] offered both costs, retail and wholesale, P.O. Brownell reported the wholesale price
- Access/security of area where theft occurred - Identified by [REDACTED] as the south kitchen door was unlocked (access from the outside) the rest of the area was locked preventing ingress but not egress.
- [REDACTED] was happy with his interaction with Brownell and due to our conversation showed concern that Brownell was "in trouble."
** Brownell knows [REDACTED] personally as Brownell had worked previously at the hotel in a security capacity*

July 16th, 2010

I met with P.O. Brownell in my office. He was advised of his administrative warnings, signed them and did not have a union representative present. The meeting was held at 1200 noon, He was notified by email of the meeting at the beginning of his shift that day allowing him six hours to procure union representation. The summations of the conversation relating to pertinent points of the investigation are as follows:

- Why the offense was listed as a petit larceny instead of a burglary - P.O. Brownell claims that he spoke to Sgt. Kadien prior to the start of the next shift's roll call (same day at the end of Brownell's shift). When reviewing the incident with Sgt. Kadien, Sgt. Kadien gave him a non-committal answer but that it may be if certain criteria are met such as signs posted prohibiting entrance to areas by non employees. Brownell believes that his report was completed prior to speaking with Sgt. Kadien.
- Notification to a detective - Brownell believes he covered this by speaking with Sgt. Kadien the same day.
- Why didn't he view the scene first hand - Brownell did not have an excuse for this as he relied on watching the video for details of the crime.
- Damage to the cooler's locking mechanism not being mentioned in the report - Brownell states that [REDACTED] did not tell him that the cooler had been damaged. While watching the surveillance video it appeared to him that the suspect was freely opening and closing the door. He did not pose the question to the complainant if the door had been damaged or not.
- Why no tech. work was done of scene - Brownell did not believe the door to be damaged, knew that the cooler door had been used by staff in between the crime and report and didn't believe latent attempts would be useful.

- Why the scene was not descriptively depicted (which cooler broken in to) - Brownell claims that he was not done with the investigation or the report and he was going to follow up on the report when returning from his pass days.
- Why was there no mention of the suspects' ingress/egress - Same answer as above.
- Why no mention of how the area was secured - Brownell had no excuse for the lack of this detail.
- Why a search of the buildings perimeter was not done for possible clues (pan the meat/food items were stored on) - Brownell had no excuse for the lack of this detail
- Why suspect was referred to as being a "black male" - Brownell said that in the video the male did appear to be black to him.
- Why were no witnesses listed on the report - Brownell had no excuse for the lack of this detail other than he was going to list them as he progressed with the investigation.
- The price estimate for the stolen property - Brownell thought that the wholesale price was the right one to list as that was the amount of money the hotel bought the items for.
- Why the case was listed as closed - P.O. Brownell did not believe that he had consciously "closed out" the investigation report. He believes this to be an accident and that the case should not have been listed as closed as he was going to follow up on it.
- Brownell further adds that he received a text message and voice mail message from Manager [REDACTED] while on his pass days (next two days after incident) and was informed that [REDACTED] had called the Chief and the Chief was going to send a detective down. After returning to work (07/04/10) he went to the Inn on the Lake and spoke to the front desk manager (couldn't remember name) who advised Brownell that a detective had been down and obtained a deposition and was working on the case. Brownell was asked why he didn't report that as a supplement to his investigation or ask anyone from the Investigative Division if they were taking over the case. Brownell stated that he just "assumed" they were taking over the case. He didn't ask anyone from that division as he "didn't see" or "run in" to anyone from that division to ask.

Sgt. Kadien worked an overtime detail on 07/04/10 while P.O. Brownell worked

P.O. Brownell is an acquaintance of manager [REDACTED] due to Brownell's past employment with the hotel


After the interview with P.O. Brownell, I spoke to Det. Sgt. Kadien. I asked if Brownell had spoke about the incident in question with him. Sgt. Kadien was not sure but added that he may have.

Summary of Investigation

It is apparent that P.O. Brownell had many deficiencies in regards to the initial investigation (investigatory steps taken) as well as the completion of the investigatory (incident) report. On 07/01/10 P.O. Brownell was the 'Officer in Charge' of the A-tour and when he completed his report he also signed off as the supervisor. According to the copy of his original report received from records, the report was printed at 12:18pm. I note that according to the 911 dispatch complaint card he was dispatched to the call at 11:16am, arrived at 11:29am and called clear from the complaint at 12:25pm. This would indicate that he spent the minimum amount of time required to gather what little information that he did from the complainant.

Sgt. Hedworth was on duty during this complaint working a special detail, (S.T.E.P). P.O. Brownell could have easily contacted him if he required any direction with the investigation.


Departmental Rule and Regulation Violations to be considered:

 8-10-10
SUSTAINED Unfounded

III. UNSATISFACTORY PERFORMANCE

A. Members shall maintain sufficient competency to properly perform and discharge their duties and assume the responsibilities that accompany their position of rank. They shall perform their duties in a manner, which will maintain the highest standards of efficiency in carrying out the functions and objectives of this Department.

 B. Unsatisfactory performance may be demonstrated by:

1. lack of knowledge of the application of laws required to be enforced
2. unwillingness or inability to perform assigned tasks
3. failure to conform to work standards set forth in this manual
4.  failure to take appropriate action on the occasion of any incident or condition brought to the attention of the member.

C. In addition to other indications of unsatisfactory performance, the following will be considered prima-facie evidence of unsatisfactory performance; written records of repeated infractions of Departmental rules, regulations, directives or orders.

VJW 8/10/10

 SUSTAINED UNFOUNDED

IV. DEPARTMENTAL REPORTS

A Members shall submit all reports before the end of their respective tours of duty unless specifically directed or otherwise excused by a supervisor. All reports submitted by members of this Department shall be truthful and complete.

B. No members or staff shall knowingly enter or cause to be entered any false, inaccurate or improper information on any document filed in the performance of their duties.

VJW 8/10/10

 SUSTAINED UNFOUNDED

V. UNBECOMING CONDUCT:

All members and staff shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the Department. Conduct unbecoming a member shall include that which:

1. Brings the Department into disrepute
2. Reflects discredit upon the member as an employee of the Department
3. Impairs the operation or efficiency of the Department or the member.

VJW

Attachments:

Signed Administrative warnings form

911 Dispatch event listing for CR# 1005875

Original signed report of CR# 1005875 (copy)

Copy of completed report by P.O. Lawrence of CR# 1005875

Printout of all complaints handled by the C.P.D. on 07/01/10

General Order #335

ADMINISTRATIVE WARNINGS

I wish to advise you that you are being questioned as part of an official investigation of the Canandaigua Police Department. You will be asked questions specifically directed and narrowly related to the performance of your official duties or fitness for office.

You are entitled to all the rights and privileges guaranteed by the laws and the Constitution of this state and the Constitution of the United States, including the right not to be compelled to incriminate yourself.

However, I further wish to advise you that if you refuse to testify or to answer questions relating to the performance of your official duties or fitness for duty, you will be subject to departmental charges that may result in your dismissal from the Department. If you do answer, neither your statements nor any information or evidence, which is gained by reason of such statements, can be used against you in any subsequent criminal proceeding. However, these statements may be used against you in relation to subsequent departmental charges.

Any member being questioned in respect to possible disciplinary charges shall have the right to representation by the PBA President or his designee before making any written statement. The members shall be allowed reasonable time to procure such representation.


OFFICER'S SIGNATURE

* No Rep AT MEETING G.P.


WITNESS'S SIGNATURE

DATE: 7/16/10

TIME: 1200

Event Number: P101820012

Page 1

Start Dt	Time	Situation/Description	HR	PR
07/01/10	11:13:13	FND: 41 LARCENY	1	4

Call Taker: RICHARDJF Pos: P14.21 Dispatcher: JACKIEJP Pos: P14.19

Location	C/A	USE	OPER
CANANDAIGUA INN ON THE LAKE, 770 SOUTH MAIN ST	29		HARDJF

Alarm No: 1482 Alarm Company:

Caller Information (How Received: Telephone)
 [REDACTED] 770 SOUTH MAIN ST [REDACTED]

Cause/Extent: OF FOOD FROM THE KITCHEN HAS THE SUSPECT ON FILM HAPPENED TUES. INTO WED. - MEET AT THE FRONT DESK

Rpt No	Officer	District	Citations
I1005875		P29 C CANANDAIGUA	

Notes
 [07/01/10 11:51:22 JACKIEJP] 810 AT PD FUP

Sent	Disp	CC	Comp. Dt	Time	Cleared	Susp	Unsus	Under Ctl
11:14:57		01	07/01/10	12:25				

INCIDENT REPORT FILED

Unit	Dispatch	Enroute	Arrived	Okay	Area Chk	Avail	Cleared	Stat
810	11:16:29	11:16:29	11:29:36			12:25:03	12:25:03	AP

Units Dispatched at Alarm Levels
1 810

Run Card: 3 Type:

1. Agency CANANDAIGUA POLICE DEPARTMENT	2. Div/Precinct JUV	New York State INCIDENT REPORT	3. ORI NY0342900	5. Case No. 1005875	6. Incident No. 27724
7,8,9. Date Reported (Day, Date, Time) THURSDAY 07/01/2010 11:13		10,11,12. Occurred On/From (Day, Date, Time) TUESDAY 06/29/2010 11:32		13,14,15. Occurred To (Day, Date, Time) WEDNESDAY 06/30/2010 00:11	
16. Incident Type LARCENY-FROM BUILDING			17. Business Name CANANDAIGUA INN ON THE LAKE		
19. Incident Address (Street Name, Bldg. No., Apt. No.) 770 SOUTH MAIN STREET					
20. City/State/Zip CANANDAIGUA NEW YORK 14424					
21. Location Code (TSLED) CANANDAIGUA CITY 3529		23. No. of Victims 1	24. No. of Suspects 1	26. Victim also Complainant? No	
Location Type HOTEL/MOTEL					

22. OFF. No.	LAW SECTION	SUB	CL	CAT	DEG	ATT	NAME OF OFFENSE	CTS
1	PL	155.25	A	M	0	C	PETIT LARCENY	1

ASSOCIATED PERSONS

25. TYPE	Name (Last, First, Middle, Title)	DOB	Street Name Bldg., Apt. No., City, State, Zip	Res. Phone Bus. Phone
VICTIM	INN ON THE LAKE		770 S. MAIN CANANDAIGUA NY 14424	(585) 394-7800
COMPLAINANT	[REDACTED]	[REDACTED]	770 SOUTH MAIN STREET CANANDAIGUA NY 14424	(585) 394-7800
SUSPECT	UNKNOWN, UNKNOWN		UNKNOWN NY	

VICTIM

Name INN ON THE LAKE	27. DOB	28. Age	29. Gender	30. Race NOT APPLICABLE	31. Ethnicity NOT APPLICABLE	32. Handicap NO	33. Residence Status NOT APPLICABLE
Victim DID receive information on Victim's Rights and Services pursuant to New York State Law <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No							

SUSPECT

Person ID # 23937	34. Type/No. SUSPECT	35. Name (Last, First, Middle) UNKNOWN, UNKNOWN					
37. Apparent Condition			38. Address (Street Name, Bldg., Apt. No., City, State, Zip) UNKNOWN NY				
39a. Home Phone	39b. Work Phone	40. Social Security	41. DOB	42. Age 00	43. Gender MALE	44. Race UNKNOWN	
45. Ethnicity UNKNOWN	46. Skin LIGHT	47. Occupation UNKNOWN					
48. Height	49. Weight 180 lbs.	50. Hair BLACK		51. Eyes UNKNOWN		52. Glasses UNKNOWN	53. Build NORMAL
54. Employer/School				55. Employer Address NY			
56. Scars/Marks/Tattoos /Description							
36. Alias/Nickname/Maiden Name							
Last Name		First Name		Middle Name			

BURG.
ID #
LAWRENCE

PROPERTY

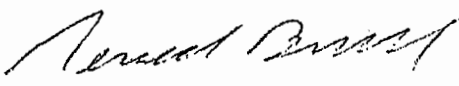
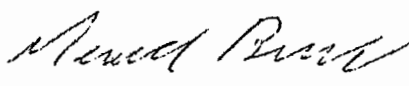
58. Name UNKNOWN, UNKNOWN	Property Status STOLEN	
Property Type CONSUMABLE GOODS	Make or Model / Drug	
Serial No.	Qty/Measure 0	Value \$300.00
Description 36 STEAKS FROM THE COOLER AT THE INN ON THE LAKE		

Total Property Value: \$300.00

NARRATIVE

Date of Action	Date Written	Officer Name & Rank
07/01/2010	07/01/2010	BROWNELL, JERRY (PO)
Narrative		
<p>R/o was dispatched to the Inn on the Lake for a larceny complaint. On arrival R/o spoke with the Co () about an unknown Suspect entering the cooler and walking out with 36 steaks. R/o was able to view the video of the larceny but could not identify the Suspect. Suspect appeared to be a black male with a beard and was wearing a blue shirt and blue jeans on. Suspect entered the cooler area four different times on June 29, 2010 (2332 hrs, 2341 hrs, 2350 hrs, 0011 hrs). Co will be getting the R/o a video copy of the larceny. Video could not be obtained on report date because of problem with the recording system. Suspect did walk out with another pan of food but Co could not list what was in the pan. Co advised R/o that he thinks it was a patron for the Phish Concert that was in town on that night. Co could not verify if the Suspect stayed at the hotel.</p> <p>Suspect was also video taped in the outside bar (Sand Bar) area speaking to employees just before the larceny occurred. Co will be interviewing a few employees that were working to see if they know who the Suspect is. Employees were not present when the R/o was taking the report. Co will be advising the R/o if any leads are obtained from his employees.</p> <p style="text-align: center;">* * *</p> <p>Report will be updated with any new information.</p>		

ADMINISTRATIVE

74. Inquiries	75. NYSPIN Message No.	76. Complainant Signature	
77. Reporting Officer Signature (Include Rank)	78. ID No.	79. Supervisor Signature (Include Rank)	80. ID
 PO JERRY BROWNELL	810	 PO JERRY BROWNELL	810
81. Status CLOSED BY INVESTIGATION	82. Status Date 07/01/2010	83. Notified/TOT	

1. Agency CANANDAIGUA POLICE DEPARTMENT		2. Div/Precinct PATROL		New York State INCIDENT REPORT		3. ORI NY0342900		5. Case No. 1005875		6. Incident No. 27724	
7,8,9. Date Reported (Day, Date, Time) THURSDAY 07/01/2010 11:13				10,11,12. Occurred On/From (Day, Date, Time) TUESDAY 06/29/2010 11:32				13,14,15. Occurred To (Day, Date, Time) WEDNESDAY 06/30/2010 00:11			
16. Incident Type BURGLARY-BURGLARY						17. Business Name CANANDAIGUA INN ON THE LAKE					
19. Incident Address (Street Name, Bldg. No., Apt. No.) 770 SOUTH MAIN STREET											
20. City/State/Zip CANANDAIGUA NEW YORK 14424											
21. Location Code (TSLED) CANANDAIGUA CITY 3529				23. No. of Victims 1		24. No. of Suspects 1		26. Victim also Complainant? No			
Location Type HOTEL/MOTEL											

22. OFF. No.	LAW SECTION	SUB	CL	CAT	DEG	ATT	NAME OF OFFENSE	CTS	
1.	PL	155.30	01	E	F	4	C	GR LAR 4-VALUE PROPERTY GREATER THAN \$1000	1
2.	PL	140.20	01	D	F	3	C	BURGLARY-3RD DEG:ILLEGAL ENTRY WITH INTENT TO COMMIT A	1

ASSOCIATED PERSONS

25. TYPE	Name (Last, First, Middle, Title)	DOB	Street Name Bldg., Apt.No., City, State, Zip	Res Phone Bus Phone
VICTIM	INN ON THE LAKE		770 S. MAIN CANANDAIGUA NY 14424	(585) 394-7800
COMPLAINANT	[REDACTED]	[REDACTED]	770 SOUTH MAIN STREET CANANDAIGUA NY 14424	(585) 394-7800
SUSPECT	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
PERSON INTERVIEWED	[REDACTED]	[REDACTED]	770 SOUTH MAIN STREET CANANDAIGUA NY 14424	
PERSON INTERVIEWED	[REDACTED]	[REDACTED]	[REDACTED]	
PERSON INTERVIEWED	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
PERSON INTERVIEWED	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
PERSON INTERVIEWED	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
PERSON INTERVIEWED	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
LAW ENFORCEMENT OFFICER	[REDACTED]		74 ONTARIO STREET CANANDAIGUA NY 14424	(585) 394-4141
PERSON INTERVIEWED	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
PERSON INTERVIEWED	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

VICTIM

Name	27. DOB	28. Age	29. Gender	30. Race	31. Ethnicity	32. Handicap	33. Residence Status
INN ON THE LAKE				NOT APPLICABLE	NOT APPLICABLE	NO	NOT APPLICABLE

Victim DID receive information on Victim's Rights and Services pursuant to New York State Law Yes No

SUSPECT

Person ID # 23937		34. Type/No. SUSPECT		35. Name (Last, First, Middle) [REDACTED]			
37. Apparent Condition UNKNOWN			38. Address (Street Name, Bldg. Apt. No., City, State, Zip) [REDACTED]				
39a. Home Phone [REDACTED]		39b. Work Phone [REDACTED]	40. Social Security [REDACTED]	41. DOB [REDACTED]	42. Age 26	43. Gender MALE	44. Race WHITE
45. Ethnicity NOT HISPANIC		46. Skin MEDIUM	47. Occupation UNKNOWN				
48. Height 6 ft. 0 in.		49. Weight 150 lbs.	50. Hair BLACK		51. Eyes BROWN	52. Glasses NO	53. Build NORMAL
54. Employer/School				55. Employer Address NY			
56. Scars/Marks/Tattoos /Description							
36. Alias/Nickname/Maiden Name							
Last Name		First Name		Middle Name			

PROPERTY

58. Name [REDACTED]		Property Status STOLEN	
Property Type CONSUMABLE GOODS		Make or Model / Drug	
Serial No.		Qty/Measure 0	Value \$1,402.00
Description 36 FILET MIGNON STEAKS (\$1,152.00) AND CHICKEN PARMIGIANA (\$250.00).			

Total Property Value: \$1,402.00

NARRATIVE

Date of Action	Date Written	Officer Name & Rank
07/02/2010	07/08/2010	CALLIN, RYAN (PO)
Narrative		
*****Supplemental*****		
At about 1427 hours PO Callin responded to the Inn on the Lake to assist Detective Lawrence with photographing the scene.		
RO took 33 pictures of the exterior and interior of the Inn on the Lake using the department camera. RO primarily took pictures of the interior dining area and back kitchen outlining the possible path of the suspect. RO notes the lock on the walk in cooler had subsequently been replaced and a chain link was added to it. RO did not observe any marks indicating a forced entry.		
Date of Action	Date Written	Officer Name & Rank
07/02/2010	07/08/2010	LAWRENCE, NATE (DET)
Narrative		

On 07/02/10 at approximately 1345 hours R/O responded to the Inn on the Lake, located at 770 South Main Street, for a larceny complaint that occurred on 06/29/10.

Upon arrival R/O spoke with the managing partner at the Inn on the Lake, [REDACTED], who stated the following:

It was brought to Burns attention by the food and beverage director, [REDACTED], between 06/29/10 at 2332 hours and 06/30/10 at 0011 hours a male suspect entered the kitchen area while it was closed, broke into the main cooler and stole a pan of 36 Fillet Mignon steaks and a pan of chicken parmigiana. In order to get the food out of the cooler the suspect broke the locking mechanism, which maintenance had to screw back into place to repair the damage. The incident was all caught on tape by a security camera. After reviewing the security footage, [REDACTED] was advised that one of the bartenders, [REDACTED] viewed the security footage earlier in the day and noticed the suspect associating with [REDACTED] is a frequent guest at the Inn on the Lake and [REDACTED] is a friend of the family so he called [REDACTED] father. A short time later [REDACTED] went to the Inn on the Lake and identified the suspect in the security footage as a guy she met on the night of the Phish concert (06/29/10). [REDACTED] stated that [REDACTED] did not know the suspects full name and only knew him as [REDACTED]. [REDACTED] further advised R/O that there were three other individuals by the name of [REDACTED] and [REDACTED] who were with [REDACTED] on the same night the incident took place (see attached deposition).

R/O reviewed the security footage and observed a male suspect enter through the kitchen area. The suspect proceeded into the main cooler and took two pans of food at 2339 hours and 0011 hours. R/O secured a copy of the surveillance tape.

R/O directed PO Callin to respond to the scene and take pictures of the kitchen and main cooler area.

R/O then spoke to the Director of Food and Beverage, [REDACTED], who stated the following:

On 07/01/10 [REDACTED] was advised by two of his employees that there were 36 Fillet Mignon steaks missing from the main cooler. [REDACTED] immediately reviewed the security footage and observed a male suspect enter the main cooler area on multiple occasions. [REDACTED] observed the suspect exit the cooler at 2339 hours and 0011 hours with a pan of food each time. It was at this point that [REDACTED] called the police. When the police arrived [REDACTED] originally gave an estimate of the food stolen to be approximately \$300.00. This was because the \$300.00 was the retail price for just the Fillet Mignon's. After further investigation, [REDACTED] found the first pan that the suspect carried out of the cooler was chicken parmigiana, which cost \$250.00. The second pan contained 36 Fillet Mignon steaks, which are sold for \$32.00 a piece. The total loss of revenue for the Fillet Mignon steaks alone is \$1,152.00. The total loss of revenue to the Inn on the Lake is \$1,402.00 (see attached receipt and deposition).

R/O then spoke to employee, [REDACTED], who is a chef at the Inn on the Lake. [REDACTED] stated the following:

On the night of the larceny (06/29/10) at approximately 2130 hours [REDACTED] began his normal kitchen closing procedures. Part of the closing procedures is to secure all the cooler doors. [REDACTED] secured the main produce cooler in which the suspect broke into by placing a pad lock through the handle and then locking the pad lock. [REDACTED] was not the last one to leave the kitchen as there were a couple of dishwasher employees finishing their duties (see attached deposition).

R/O then left the scene and responded back to the police department where R/O met [REDACTED]. [REDACTED] stated the following:

On 06/29/10 at approximately 1800 hours [REDACTED] was picked up at her residence, located at [REDACTED] by [REDACTED] via boat. They proceeded to pick up their friend, [REDACTED] at her residence. With [REDACTED] were three males that [REDACTED] did not know. One of the males went by the name of [REDACTED] (unsure of last name). All the males stated that they were on the Phish concert tour; however, did not have tickets to the show at CMAC. [REDACTED] happen to have five extra tickets and gave them to the males. Before going to the Phish concert they stopped at the Sand Bar to have a couple drinks. While at the Sand Bar [REDACTED] realized that she forgot her cell phone and asked if she could borrow someone's phone to call her sister. [REDACTED] let [REDACTED] borrow his phone. After having a couple of drinks the group left and walked to the concert. [REDACTED] began flirting with [REDACTED] as they walked to the concert and at one point he slapped [REDACTED]s butt, making her uncomfortable. Due to [REDACTED] inappropriate behavior, [REDACTED] and [REDACTED] separated from the males and proceeded into the concert. This was the last time [REDACTED] saw [REDACTED]. [REDACTED] described [REDACTED] as being 5'9, 170 pounds, having a goatee and wearing a blue shirt with his pants part way rolled up. [REDACTED] stated that during a conversation with [REDACTED] he hat he was 100% Egyptian.

At approximately 1651 hours R/O showed [REDACTED] the surveillance footage of the suspect from the Inn on the Lake at which point she identified the suspect as the male she knew as [REDACTED]. R/O was able to retrieve the suspects cell phone number due to [REDACTED] using his cell phone the night of the Phish concert. That night [REDACTED] called her sister and the suspects number was still in her phone registry [REDACTED]. R/O has called the number numerous times with negative results.

R/O obtained s deposition from [REDACTED]

On 07/03/10 R/O spoke to [REDACTED] via phone. [REDACTED] was not able to come into the police department for an interview; however, stated the following:

On 06/29/10 [REDACTED] met her friend, [REDACTED] (who lives in Connecticut), at her residence. With [REDACTED] was one of his friends who also lives in Connecticut and a male they met at the Phish concert in Maryland. [REDACTED] did not know the last name of the male who [REDACTED] met at the Phish concert in Maryland; however, stated that he went by the name of [REDACTED]. [REDACTED] explained that [REDACTED] gave [REDACTED] a ride from the Phish concert in Maryland to the Phish concert in Canandaigua. Later in the evening, [REDACTED] and her friends were picked up at her residence by [REDACTED] via boat and went to the Sand Bar to have a couple of drinks. They then walked to CMAC to watch the Phish concert. At one point [REDACTED] got kicked out of the concert and ended up walking back to the Inn on the Lake. [REDACTED] saw [REDACTED] get kicked out of the concert; however, did not see him again until around midnight when she returned to her boat that was docked at the Sand Bar. [REDACTED] got on her boat and noticed a pan of food. [REDACTED] and her friends [REDACTED] and [REDACTED] friend from CT) questioned [REDACTED] about the pan of food and he stated, "Don't worry about it." [REDACTED] explained that she just wanted to go home and get rid of [REDACTED]. [REDACTED] gave everyone a ride back to her residence at which point everyone left. [REDACTED] was unsure who [REDACTED] left with. [REDACTED] did state that on the boat ride back to her residence [REDACTED] bragged about getting kicked out of the concert and being in the back of a police vehicle. [REDACTED] did not know that the food was stolen and denied having any knowledge of where the food came from (R/O recorded the conversation with [REDACTED]).

R/O called [REDACTED] via phone who stated the following:

[REDACTED] stated that he met [REDACTED] at the Phish concert in Maryland and drove him to the Phish concert in Canandaigua, NY. [REDACTED] explained that [REDACTED] was kicked out of the Phish concert and when he returned to [REDACTED] boat at approximately 0030 hours he noticed [REDACTED] sitting there with the pan of food. [REDACTED] stated that when he questioned [REDACTED] about the food he stated, "Don't worry about it." [REDACTED] further stated that when they returned to [REDACTED] residence [REDACTED] left with one of his friends. [REDACTED] denied having any knowledge about where the food came from. [REDACTED] did not know [REDACTED] last name or current residence.

Due to [REDACTED] advising R/O that the suspect dealt with an Ontario County Sheriff's Deputy the night of the concert R/O contacted dispatch in an attempt to gather further information. Through further investigation R/O found that Deputy Henderson of the Ontario County Sheriff's Department dealt with a male suspect by the name of [REDACTED], who was thrown out of the Phish concert on 06/29/10. Deputy Henderson happen to check the suspect for wants/warrants at which time R/O learned that the suspects full name was [REDACTED]n. R/O check [REDACTED] criminal history and found that he lives in [REDACTED]. R/O contacted Sgt. Thomas Mozzer of the Vermont State Police who sent a picture of [REDACTED] a e-mail. Using the picture sent by Sgt. Mozzer a photo array was put

together.

On 07/07/10 R/O met Deputy Henderson at the Canandaigua Police Department. Deputy Henderson reviewed the security footage from the Inn on the Lake and stated that the suspect in the video was the same suspect that he dealt with the night of the Phish concert. Deputy Henderson then reviewed the photo array and positively identified Hassan at 0136 hours. Deputy Henderson stated that he identified Hassan the night of the concert by his Vermont license (see supporting deposition).

R/O responded back to the Inn on the Lake and spoke to employee, [REDACTED], a bartender at the Sand Bar. [REDACTED] stated the following:

On 07/02/10 [REDACTED] was having a casual conversation with another employee by the name of [REDACTED]. [REDACTED] mentioned that there was a larceny the night of the Phish concert and that the suspect on the tape asked [REDACTED] for a cigarette. [REDACTED] was working the night of the Phish concert and remembered a male asking [REDACTED] for a cigarette. [REDACTED] immediately spoke to [REDACTED] and reviewed the surveillance footage. [REDACTED] identified the suspect as being the same male who was sitting with the [REDACTED] girls earlier in the night. [REDACTED] knew the [REDACTED] girls because they are regular customers. The suspect in the video was also trying to bargain drinks from [REDACTED] earlier in the night (see attached deposition).

R/O then spoke to [REDACTED] and [REDACTED] who both stated the following:

Both [REDACTED] and [REDACTED] closed the kitchen on the night of the larceny. Part of their closing duties are to walk through the kitchen area and make sure everything is secure. Both stated that they conducted a walk through of the kitchen/cooler area and found nothing unusual. At approximately 2300 hours they both punched out and [REDACTED] drove [REDACTED] back to his residence (see attached depositions).

On 07/08/10 R/O spoke to [REDACTED] at the Canandaigua Police Department. [REDACTED] was part of the group that was with [REDACTED] the night of the Phish concert. [REDACTED] stated that after the concert [REDACTED] was already at the Inn on the Lake before she and her friends got there. [REDACTED] further stated that she never left on [REDACTED] boat and that she had her own boat at the Sand Bar that was driven to her residence. [REDACTED] did state that she had two pictures of [REDACTED] in her cell phone, which were taken the night of the Phish concert.

R/O downloaded and printed the pictures from [REDACTED] cell phone(see attached pictures). At 0207 hours [REDACTED] positively identified [REDACTED] in a photo array. Sands also looked at the surveillance footage and identified the suspect as [REDACTED] (see attached deposition).

R/O was not able to contact [REDACTED] for a photo array due to her being out of town. R/O will contact her at a latter date.

On 07/08/10 R/O sent a subpoena to Verizon Wireless for any pertinent information regarding Hassan's cell phone.

R/O logged the surveillance footage into evidence (refer to invoice number 20256).

Warrant requested. Case closed.

Date of Action	Date Written	Officer Name & Rank
07/01/2010	07/01/2010	BROWNELL, JERRY (PO)
Narrative		
R/o was dispatched to the Inn on the Lake for a larceny complaint. On arrival R/o spoke with the Co ([REDACTED]) about an unknown Suspect entering the cooler and walking out with 36 steaks. R/o was able to view the video of the larceny but could not identify the Suspect. Suspect appeared to be a black male with a beard and was wearing a blue shirt and blue jeans on. Suspect entered the cooler area four different times on June 29, 2010 (2332 hrs, 2341 hrs, 2350 hrs, 0011 hrs). Co will be getting the R/o a video copy of the larceny. Video could not be obtained on report date because of problem with the recording system. Suspect did walk out with another pan of food but Co could not list what was in the pan. Co advised R/o that he thinks it was a patron for the Phish Concert that was in town on that night. Co could not verify if the Suspect stayed at the hotel.		
Suspect was also video taped in the outside bar (Sand Bar) area speaking to employees just before the larceny occurred. Co will be interviewing a few employees that were working to see if they know who the Suspect is. Employees were not present when the R/o was taking the report. Co will be advising the R/o if any leads are obtained from his employees.		
Report will be updated with any new information.		

ADMINISTRATIVE


74. Inquiries CH WW	75. NYSPIN Message No.	76. Complainant Signature	
77. Reporting Officer Signature (Include Rank) PO JERRY BROWNELL	78. ID No. 810	79. Supervisor Signature (Include Rank) PO JERRY BROWNELL	80. ID 810
81. Status CLOSED - WARRANT ADVISED	82. Status Date 07/01/2010	83. Notified/TOT	

Canandaigua Police Department

Jonathan P. Welch
Chief of Police

Lt. Scott Ferguson
Operations Commander

To: PO Brownell
From: Chief Welch
Date: 8/16/10
Re: IA# 2-2010



Written Reprimand

Per General Order 340 and as a result of the Internal Affairs Investigation #2-2010, you are hereby issued this formal written reprimand based upon the outcome of the investigation and your acceptance of such discipline.

This formal written reprimand is a direct result of your failure to take appropriate action, failure to properly document and for impairing the efficiency of the Canandaigua Police Department in reference to CR# 1005875 (Burglary at the Inn on the Lake).

This type of work performance will not be tolerated and any further lapses in judgment on your part will be dealt with more severely.

Although this reprimand is discipline, I hope that you also take this as a learning opportunity and to reaffirm your commitment to the department.

In the Matter of a Disciplinary Proceeding
Pursuant to Section 75 of the Civil Service Law

CITY OF CANADAIGUA

**STIPULATION
AGREEMENT**

-against-

Gerald Brownell, Employee.

WHEREAS, I, the undersigned employee, have agreed to the results of the internal affairs investigation #02-2010

WHEREAS, I have been informed that the City has the right to initiate a Disciplinary Action against me under Section 75 of the Civil Service Laws of New York, wherein I would have the right to a hearing at which the City must prove any charges and I would be given an opportunity to be heard at the hearing and present evidence or witnesses on my behalf; and

WHEREAS, in lieu of a Disciplinary Action and hearing I am desirous of making an agreement with the City relative to my misconduct and/or incompetence.

NOW THEREFORE, it is stipulated by and between the parties as follows:

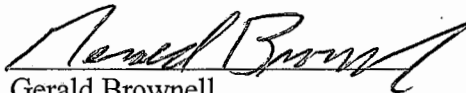
1. Employee acknowledges violating the following General Orders of the Canandaigua Police Department (summary attached).
 - General Orders 105 Rules and Regulations (3 Counts).
2. Employee hereby waives any rights and entitlements he has pursuant to Section 75 of the Civil Service Law and accepts the within discipline in satisfaction of a potential Disciplinary Action for incompetence and/or misconduct.

3. MY DISCIPLINARY ACTION SHALL CONSIST OF THE FOLLOWING:

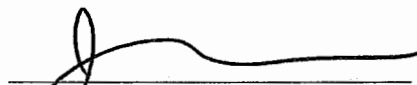
- **Written Reprimand**

4. Employee freely and voluntarily enters into this Stipulation Agreement. Employee consents and agrees to be bound by its terms and conditions and understands the contents thereof. Employee further understands that he is entitled to be represented by an attorney and hereby waives any such representation.

Dated: 8-23-10


Gerald Brownell
Employee

Dated: 8-16-10


Jonathan P. Welch
Chief of Police

I do not accept the above and wish to proceed at a Section 75 Hearing. I am fully aware that if I choose this hearing, termination may result.

Employee

Date